



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/036,721	03/06/1998	DON DELP	940-015	6296

7590

12/04/2002

JOHN F WARD
WARD & OLIVO
708 THIRD AVENUE
NEW YORK, NY 10017

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/036,721Applicant(s)
Delp et al.Examiner
Joy ConteeArt Unit
2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 6, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2681

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 22, 23, 38 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Salazar et al. ("Salazar"), U.S. Patent No. 5,802,467.

Regarding claim 22, Salazar discloses a system for providing an integrated building control and information system, said system comprising:

a master control network (i.e., wireless communications, command, control and sensing system, see Fig. 2, #1) (col. 6, lines 52-67 to col. 7, lines 1-21);

at least one subsystem (i.e., external apparatus, e.g., intercom, alarm, TV, VCR, cable box, sound system, remote sensor) (col. 6, lines 31-37); and

a radio frequency (RF) communication system (i.e., for use with cellular base stations and other command and control signals in radio frequencies) (col. 25, lines 39-49);

wherein said subsystem receives and transmits data to said master control network via said RF communication system (col. 6, lines 31-37).

Art Unit: 2681

Regarding claim 23, Salazar discloses a system according to claim 2, wherein said master control network comprises:

a communication device (i.e., handset device 10 and base station 25) (col. 6, lines 30-37);
a central processing unit (i.e., microprocessor) (col. 6, 52-67 to col. 7, lines 1-13) ; and
an RF master device (i.e., for use with cellular base stations and other command and control signals in radio frequencies) (col. 25, lines 39-49);

wherein said central processing unit transmits information from said master RF device to said communication device, wherein said communication device, central processing unit, and said RF master device are electronically connected with said master control network, and wherein said RF master device receives said information from said subsystem (col. 22, lines 35-50 and col. 25, lines 39-49).

Regarding claim 38, Salazar discloses a system according to claim 22, wherein at least one said subsystem regulates lighting (col. 5, lines 24-27).

Regarding claim 39, Russ discloses a system according to claim 22, wherein at least one said subsystem regulates electricity usage (col. 4, lines 8-13 and lines 25-33).

3. Claims 22-25 and 38-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Russ et al. ("Russ"), U.S. Patent No. 6,061,604.

Regarding claim 22, Russ discloses a system for providing an integrated building control and information system, said system comprising:

a master control network (i.e., internal communications interface) (col. 3, lines 29-34);

Art Unit: 2681

at least one subsystem (i.e., appliance apparatus) (col. 2, lines 5-13); and
a radio frequency (RF) communication system (i.e., spread-spectrum using 900 MHZ)
(col. 3, lines 60-62);

wherein said subsystem receives and transmits data to said master control network via
said RF communication system (col. 3, lines 29-66).

Regarding claim 23, Russ discloses a system according to claim 2, wherein said master
control network comprises:

a communication device (i.e., external communication interface);
a central processing unit (#102, Fig. 2); and
an RF master device (i.e., system controller #100, Fig. 2);
wherein said central processing unit transmits information from said master RF device to
said communication device, wherein said communication device, central processing unit, and
said RF master device are electronically connected with said master control network,
and wherein said RF master device receives said information from said subsystem (col. 3, lines
22-62).

Regarding claim 24, Russ discloses a system according to claim 3, wherein said master
control network further comprises:

a utility monitor (col. 2, lines 3-13); and

Art Unit: 2681

at least one utility node (i.e., appliance apparatus, subsystem); wherein said utility monitor controls said utility node, and wherein said utility node transmits information to said utility monitor (col. 2, lines 3-29).

Regarding claim 25, Russ discloses a system according to claim 3, wherein said subsystem comprises:

an RF satellite device (col. 6, lines 44-67 to col. 7, lines 1-10); and

at least one utility node (col. 2, lines 3-29);

wherein said utility node detects utility information and transmits said utility information to said satellite device (col. 6, lines 44-67 to col. 7, lines 1-10).

Regarding claim 38, Russ discloses a system according to claim 2, wherein at least one said subsystem regulates lighting (col. 4, lines 8-13 and lines 25-33).

Regarding claim 39, Russ discloses a system according to claim 2, wherein at least one said subsystem regulates electricity usage (col. 4, lines 8-13 and lines 25-33).

Regarding claim 40, Russ discloses the system according to claim 2, wherein at least one said subsystem regulates environmental conditions (i.e., return air temperature) (col. 6, lines 58-67).

Regarding claim 41, Russ discloses a system according to claim 2, wherein at least one said subsystem regulates air ventilation (col. 6, lines 52-67).

Art Unit: 2681

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russ, in view of Ehlers et al. ("Ehlers"), U.S. Patent No. 5,923,486.

Regarding claim 26, Russ discloses a system according to claim 25. Russ does not explicitly disclose the system wherein said subsystem comprises a vendor tracking system.

In a similar field of endeavor, Ehlers discloses the system wherein said subsystem comprises a vendor (i.e., supplier) tracking system (col. 3, lines 40-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Regarding claim 27, Russ discloses a system according to claim 6. Russ does not explicitly disclose a system, wherein said vendor tracking system comprises a monitor and at least one vendor tracking module.

In a similar field of endeavor, Ehlers discloses a system, wherein said vendor tracking system comprises a monitor and at least one vendor tracking module (col. 3, lines 40-52).

Art Unit: 2681

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Regarding claim 28, Ehlers discloses a system according to claim 26. The primary reference, Russ further discloses the system, wherein said RF communication system comprises at least one master device and at least one satellite device (col. 6, lines 44-67 to col. 7, lines 1-10).

Regarding claim 29, Russ discloses a system according to claim 28, wherein said data is transmitted between said master device and said satellite device (col. 6, lines 44-67 to col. 7, lines 1-10).

Regarding claim 30, Ehlers discloses a system according to claim 26, wherein said system further comprises:

at least one vendor tracking module for collecting vendor tracking data and transmitting said vendor tracking data through said data converter to said RF satellite device for transmission to said master control network (col. 3, lines 40-52 and col. 34, lines 63-67 to col. 35, lines 1-9).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Regarding claim 31, Ehlers discloses a system according to claim 26. The primary reference Russ further discloses the system, wherein said system further comprises:

Art Unit: 2681

at least one utility node (col. 2, lines 3-29); and

a utility monitor (col. 2, lines 3-13);

wherein said utility nodes detect utility information and transmit said information to said utility monitor and said central processing unit (col. 2, lines 3-29).

Regarding claim 32, Ehlers discloses a system according to claim 26. The primary reference Russ further discloses the system, wherein said subsystem comprises:

an RF satellite device (col. 6, lines 44-67 to col. 7, lines 1-10); and

at least one utility node (col. 2, lines 3-29);

wherein said utility node detects utility information and transmits said utility information to said satellite device and wherein said satellite device transmits said information to said master device (col. 6, lines 44-67 to col. 7, lines 1-10).

Regarding claim 33, Ehlers discloses a system according to claim 26, wherein said vender tracking system comprises and operator interface terminal (see Fig. 1, #30 and col. 7, lines 1-10).

At the time of the invention it would have been obvious to combine the vendor tracking system having user interface with the user interface in Russ for the purpose of providing communications between a supplier and customer.

Regarding claim 34, Ehlers discloses a system to claim 26. The primary reference Russ discloses the system, wherein said system further comprises a plurality of said subsystems (col. 2, lines 3-29).

Art Unit: 2681

6. Claim 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salazar, in view of Ehlers.

Regarding claim 35, Salazar discloses a system according to claim 2, wherein each said subsystem comprises:

a data converter (col. 3, lines 61-67 to col. 4, lines 1-33); and

an RF satellite device (i.e., radio transceiver) (col. 3, lines 60-67);

wherein each said module collects data and transmits said data to said RF satellite device through said data converter for transmission to said master control network (col. 4, lines 18-33).

However, Salazar does not explicitly disclose one vendor tracking module; wherein each said vendor tracking module collects vendor tracking data and transmits said vendor tracking data through said data converter to said RF satellite device for transmission to said master control network.

In a similar field of endeavor, Ehlers discloses at least one vendor tracking module; wherein each said vendor tracking module collects vendor tracking data and transmits said vendor tracking data through said data converter to said RF satellite device for transmission to said master control network (col. 3, lines 40-52).

Regarding claim 36, Salazar discloses a system according to claim 2, wherein each said subsystem comprises:

at least one vendor tracking module (i.e., external apparatus, e.g., intercom, alarm, TV, VCR, cable box, sound system, remote sensor) (col. 6, lines 31-37);

Art Unit: 2681

a data converter (col. 3, lines 61-67 to col. 4, lines 1-33); and
an RF satellite device (i.e., radio transceiver) (col. 3, lines 60-67).

However, Salazar does not explicitly disclose one vendor tracking module; wherein each said vendor tracking module collects vendor tracking data and transmits said vendor tracking data through said data converter to said RF satellite device for transmission to said master control network.

In a similar field of endeavor, Ehlers discloses at least one vendor tracking module; wherein each said vendor tracking module collects vendor tracking data and transmits said vendor tracking data through said data converter to said RF satellite device for transmission to said master control network (col. 3, lines 40-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Regarding claim 37, Salazar discloses a system according to claim 2, wherein said master control network comprises:

a communication device (i.e., external communication interface);
a data converter (col. 3, lines 61-67 to col. 4, lines 1-33);
a central processing unit (#102, Fig. 2); and
an RF master device (i.e., system controller #100, Fig. 2).

Art Unit: 2681

Salazar does not explicitly disclose at least one vendor tracking system module; wherein said control processing unit may receive information from each said vendor tracking system module, wherein said RF master device receives information from said subsystem and transmits said information through said data converter to said central processing unit for display via said communication device.

In a similar field of endeavor, Ehlers discloses at least one vendor tracking system module; wherein said control processing unit may receive information from each said vendor tracking system module, wherein said RF master device receives information from said subsystem and transmits said information through said data converter to said central processing unit for display via said communication device (col. 3, lines 40-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Russ to include a vendor tracking means for the purpose of managing and reporting product (i.e., energy) usage.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is (703) 308-0149.

The Examiner can normally be reached between 5:30 a.m. and 2:00 p.m., Monday-Friday.

Art Unit: 2681

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703)305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-4700

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington. VA., Sixth Floor (Receptionist).



Joy K. Contee

November 27, 2002



**NAY MAUNG
PRIMARY EXAMINER**